

DIVISION OF MINES	CHAPTER: V Investigations
PROCEDURES MANUAL	
	PROCEDURE NO: 1.05.07
	ISSUE DATE: January 1, 1997
SUBJECT: Safety Complaints	LAST REVISED: 10/03

OBJECTIVE AND INTENT

To provide procedures for conducting an investigation of all safety complaints received by DM to determine validity and respond in accordance with provisions of the Mine Safety Act to improve safety performance.

PROCEDURE

1. RESPONSE

- Use DM-RV-1-S Complaint Form as per 45.1-161.97 D.
- Evaluate the seriousness of the complaint or alleged violation to ensure sound judgment in initial decision making.
- Proceed to the complaint site and conduct a thorough investigation to determine the facts/allegations as reported under 45.1-161.97 D. The Department will not disclose the identity of any person who reports an alleged violation.
 - a. Life threatening - proceed immediately
 - b. Non-life threatening - proceed the same day, if possible, no later than three days following the complaint or alleged violation.

2. INVESTIGATION DATA COLLECTION

- Investigate incident scene and question witnesses and management to obtain details pertaining to the cause of the incident.
- Review available mine records relative to the incident.
- Interview all witnesses and other personnel with knowledge of the incident.
- Issue appropriate Notices of Violation and Orders of Closure as the situation may necessitate.

- Update appropriate supervisor prior to the end of the normal working day with current status of investigation.

3. DETAIL REPORT OF INVESTIGATION

- A report will be prepared after the investigation is completed by the Inspector or Specialist. The complete report will render circumstances/cause of the incident and contain recommendations for the prevention of similar incidents. DM personnel will provide a copy of the certificate of inspection to the mine operator or his agent, one copy to the employee's representative and one copy will be posted at a prominent place on the mining premises where it may be reviewed by the employees.

4. FOLLOW-UP TO COMPLAINT INVESTIGATION

- A follow-up inspection will be conducted as determined by the area supervisor and inspector if discoveries of a complaint indicate additional attention is necessary prior to the next required inspection. This will be documented on the **(DM-TS-1-S)** form under **OTHER INSPECTIONS** as a **FOLLOW-UP COMPLAINT (FC)**, as indicated in **APENDIX II, DM SYSTEMS FORMS** of this manual.
- During a required Regular/Spot inspection, the inspector will review the mine file history for any record of complaints since the previous required regular/spot inspection. The inspector will review issues and/or practices during the inspection to determine if there has been effective resolution of the complaint. Documentation of this evaluation and results of any findings will be included in the **COMMENT SECTION** of the **(DM-CM-3S), REGULAR/SPOT** inspection report. When addressing a previous complaint, the appropriate complaint investigation number will be included.